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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,581	02/02/2001	Raymond Routhier	15218-1US RM/SC/sm	6248

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EXAMINER

TRAN, KHOA H

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 04/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/773,581

Applicant(s)

ROUTHIER, RAYMOND

Examiner

Khoa Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1- 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 appears to be misdescriptive and/or inaccurate because there is no support in the disclosure for the rail-engaging member (40) mounted to the two laterally spaced-apart upright panels (24 and 26). With respect to claim 2, there is no antecedent basis for "said storage unit". Further, it is unclear whether the storage unit is claimed because of the recitation of "adapted" sets forth as the intended use. Claim 4 doubly reciting the element that has been set forth in claim 1, i.e., the hook is the same as the rail engaging member. With respect to claim 5, there is no support in the disclosure for the transversal member (38)being rotatable. With respect to claim 7, it is unclear to what is the hook configuration does the applicant intend to set forth when reciting "formation", line 7. With respect to claim 15, the positive inclusion of the vertical surface, line 8, raises a question whether or not a combination is being claimed because line 2 of the claim set forth the vertical surface as the intended use while line 8 is being required as pat of the claim. Further, there is no support in the disclosure for the rail engaging member to be mounted to the storage organizers unit, see lines 5-6.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Underwood et al. Underwood et al. disclose a storage organizer comprising:

a rail (30) mounted to a substantially flat surface(34), see Figure 1;

a storage organizer unit (52) having at least two spaced-apart surface engaging members (left and right side panels of the storage unit 52);

a rail-engaging member (114, 50) projects rearwardly from the hanging storage organizer unit that engages with the rail, see Figure 13. With respect to claim 14, it should be noted that the applicant defining the product in term of a process by which it is made is nothing more than a permissible technique that the applicant may use to define the invention since there no structural difference is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dement in view of Campbell. Dement discloses all limitations of the claims except for the rail-engaging member. See Figures 1-6 of Dement. Campbell teaches the rail-engaging member having a pair of J-shaped hooks (18, 20) hanging from the rail (24) and a rod (32) extending between first (26) and second (28) circular holes on the respective first (12) and second (14) panels. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the rail of Dement with the rail-engaging member as taught by Campbell in order to better utilize the closet space and enables the hang rod to be within reach.

Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dement in view of Campbell as applied to claims 1-3 and 12-15 above, and further in view of Gogan. Gogan teaches the bracket having a hook extending rearwardly from the web member (18a) and a pair of spaced-apart arms (20a) engage with the surface end of the panel (14), see Figure 3. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the panel distal end surface of Dement with the provision of a bracket as taught by Gogan in order to enable to support the edge of the panel and to be hung from a supporting surface.

Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dement in view of Campbell as applied to claims 1-3 and 12-15 above, and further in view of Nook. Nook teaches the spacer (34) having a rear projection (52) provides at a bottom end portion of the spaced-apart upright panel. See Figure 8. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to

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provide the panel of Dement with the provision of a spacer as taught by Nook in order to attach the panel to a base.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Huizenga, Schmit, Kelley, Schuite, Kendrena, Gibbs, Hayward, and Auger are cited to show devices having similar configurations of design.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoa Tran whose telephone number is (703) 306-3437. The examiner can normally be reached on Monday through Thursday from 8:30 A.M. to 7:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola, can be reached on (703) 308-2686. The fax phone number for this Group is (703) 305-3597 or (703) 305-3598.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

If the applicant is submitted by facsimile transmission, applicant is hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and M.P.E.P. 502.02). In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check **should not be** submitting by facsimile transmission separately from the check. Responses submitted by facsimile transmission should include a Certificate

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of Transmission (M.P.E.P 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the
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Fax No. _____ On _____
(Date)

Type or printed name of person signing this certificate:

(Signature)

Furthermore, please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Khoa Tran
March 21, 2002



DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600